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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,590	10/11/2001	Dean Bernard Jacobs	ORACL-01077US2	8686
80548	7590	10/30/2008		
Fliesler Meyer LLP 650 California Street 14th Floor San Francisco, CA 94108			EXAMINER OSMAN, RAMY M	
			ART UNIT 2457	PAPER NUMBER
			MAIL DATE 10/30/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/975,590

**Applicant(s)**

JACOBS ET AL.

**Examiner**

RAMY M. OSMAN

**Art Unit**

2457

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-21, 23, 24, 26, 28-37 and 42-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-21, 23, 24, 26, 28-37, 42-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-854)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 5/22/08, 4/30/08

## **DETAILED ACTION**

### ***Status of Claims***

1. This communication is in response to amendment filed July 28, 2008, where applicant amended claims 14,19-21,31-35,42,49-54,62-67. Claims 14-21,23,24,26,28-37,42-67 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 7/28/2008, with respect to the amendments are persuasive. However they are moot in view of new grounds of rejection

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 14-21,23,24,26,28-37,42-67 rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al (US Patent No 6345288).**

5. In reference to claims 14,19-21, *[Based upon the claim language of claim 19:]* Reed teaches a method, computer readable medium, system and computer system respectively, for replicating data over a network including a master server and multiple slave servers, the method comprising the steps of:

without being requested by the slave server, sending a packet of information from a master server to each slave server on the network, the information relating to a change in the data stored on the master server and including an update for slave servers and containing a version number (column 91 lines 40-53);

thereafter, allowing each slave server to use the version number to determine whether slave server can use the update (column 91 lines 47-56);

thereafter, allowing each slave server to commit update in the packet of information if they are determined to be able to update (column 91 lines 47-56, it is obvious that if the version value algorithm indicates that there are no missing previous version, then the update will be applied); and

allowing each slave server that was determined to be unable to update to request that a delta be sent from the master server (column 91 lines 53-67).

Reed teaches in terms of provider database and consumer database (column 91 lines 13-23). It is reasonably interpreted that the provider database acts as the master server, while the consumer database acts as the slave server. Reed teaches push technology, which satisfies the limitation “without being requested by...”. Furthermore, it is obvious to one of ordinary skill in the art that there can be multiple consumer databases.

6. In reference to claim 15, Reed teaches a according to claim 14, further comprising: committing the packet of information to a slave server (column 91 lines 53-67).

7. In reference to claim 16, Reed teaches a method according to claim 14, further comprising: aborting the commit of the packet of information if a slave server cannot commit the

update (column 91 lines 53-67, the original commit is aborted and the alternate commit method of obtaining a missing version is performed).

8. In reference to claim 17, Reed teaches a method according to claim 14, further comprising: determining the scope of the delta before sending it from the master server (column 91 lines 53-67).
9. In reference to claim 18, Reed teaches a method according to claim 14, further comprising: including the scope of each of the previous changes in the delta. (column 91 lines 53-67).
10. In reference to claim 23, Reed teaches method according to claim 21, further comprising: determining whether each of the at least one slave server has sent a response back to the master server (column 91 lines 53-67).
11. In reference to claim 24, Reed teaches method according to claim 21, further comprising: determining whether any of the at least one slave server can commit the data (column 91 lines 53-67).
12. In reference to claim 26, Reed teaches method according to claim 21, further comprising: aborting the data only if any of the at least one slave server cannot process the commit (column 91 lines 53-67).
13. In reference to claim 28, method according to claim 21, further comprising: multicasting the update to any of the at least one slave server that were not able to process the commit (column 91 lines 53-67).

14. In reference to claim 29, Reed teaches method according to claim 21, further comprising: heart beating the new version number to any of the at least one slave server that were not able to process the commit (column 91 lines 53-67).

15. In reference to claim 30, Reed teaches method according to claim 21, further comprising: requesting a delta be sent to a slave server that was not able to process the commit (column 91 lines 53-67).

16. Claims 31-37,42-67 correspond to claims 14-21,23,24,26,28-30 and are slight variations thereof. Therefore claims 31-37,42-67 are rejected based upon the same rationale as given for claims 14-21,23,24,26,28-30.

17. Regarding the one-phase and two-phase method mentioned in claim 31, it is simply interpreted that the one-phase method corresponds to when there is no missing previous version, and the two-phase method corresponds to when there is a missing previous version.

### ***Conclusion***

18. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

19. Applicant may not introduce any new matter to the claims or to the specification. For any subsequent response that contains new/amended claims, Applicant is required to cite its corresponding support in the specification. (See MPEP chapter 2163.03 section (I.) and chapter 2163.04 section (I.) and chapter 2163.06)

20. In formulating a response/amendment, Applicant is encouraged to take into consideration the following prior art made of record but not relied upon, as it is considered pertinent to applicant's disclosure:

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/  
Primary Examiner (Temp), Art Unit 2457

October 26, 2008